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PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

RECEIVED

SEP 13 2001

Technology Center 2600

In re application of:
Potash

Application No. 09/788,216

Filed: February 16, 2001

For: FRAME HANDLER FOR
HIGH-SPEED FIBER OPTIC
COMMUNICATION INTERFACE

Group No. 2661
Examiner: Unknown

Atty. Dkt. No. 5625-00300

I hereby certify that this correspondence is being deposited with the U.S. Postal Service as First Class Mail in an envelope addressed to: Commissioner of Patents and Trademarks, Washington, D.C. 20231, on the date indicated below:

September 6, 2001
Date

Kevin L. Daffer

REQUEST FOR WITHDRAWAL AS ATTORNEY
PURSUANT TO 37 C.F.R. § 1.36 AND § 10.40(c)

Assistant Commissioner for Patents
Washington, D.C. 20231
ATTN: Director, Group 2661

Dear Sir/Madam:

This paper is a requests for permission to withdraw as Attorneys of Record for the above-referenced matter and to withdraw from all further responsibility in this case, in accordance with 37 C.F.R. §§ 1.36 and 10.40(c).

Parties Requesting Withdrawal:

Conley, Rose & Tayon, P.O. Box 398, Austin, Texas 78767-0398 and each member of the law firm of Conley, Rose & Tayon request withdrawal from representation of the inventor and/or assignee of the above-referenced matter before the U.S. Patent and Trademark Office. In addition, the attorneys and agents of Conley, Rose & Tayon listed herein below in the Power of Attorney filed with the U.S. Patent and Trademark Office and shown as the Attorneys of Record in the above-referenced matter request withdrawal.

Dan R. Christen, Reg. No. 39,943;
Gentry E. Crook; Reg. No. 44,633;
Kevin L. Daffer, Reg. No. 34,146;
Mark R. DeLuca, Reg. No. 44,649;
Jeffrey C. Hood, Reg. No. 35,198;
B. Noël Kivlin, Reg. No. 33,929;
Robert C. Kowert, Reg. No. 39,255;
Lawrence J. Merkel, Reg. No. 41,191;
Louise K. Miller, Reg. No. 36,609;
Eric B. Meyertons, Reg. No. 34,876;
David A. Rose, Reg. No. 26,223; and
David W. Quimby, Reg. No. 39,338

Assignee/Inventor Last Known Address:

The above-referenced application has not been assigned. Therefore, the last known mailing address of the inventor, Hanan Potash, is 10403 Charette Cove, Austin, Texas 78759.

Status of Application:

The above-referenced application was filed at the U.S. Patent and Trademark Office on February 16, 2001 and is awaiting action by the Patent & Trademark Office. Therefore, there is no outstanding term for response.

Basis for Withdrawal Request:

The basis for the request for withdrawal under 37 C.F.R. 10.40(c)(1)(vi) is for failure to pay one or more bills rendered by the undersigned. The bills rendered by the undersigned have been outstanding for more than ninety (90) days, contrary to the terms and conditions under which Hanan Potash and PhotonRoute Communications agreed to pay Conley, Rose & Tayon in accordance with the engagement terms shown in Exhibit A signed by Hanan Potash on behalf of PhotonRoute Communications. Exhibit B is a statement which indicates the total amount due is \$33,225.19, the bulk of which is over 120 days past due.

Actions Taken to Protect Interest of PhotonRoute Communications and Hanan Potash:

Hanan Potash, individually and in his capacity as a principal of PhotonRoute Communications, has been notified of our intent to withdraw by letter dated August 16, 2001, a copy of which is enclosed as Exhibit C. In that letter, Mr. Potash was informed of certain events which must be addressed by substitute counsel for each matter from which Conley, Rose & Tayon seeks withdrawal.

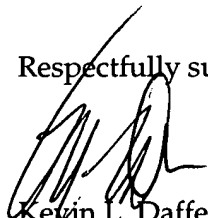
In accordance with 37 C.F.R. § 10.40(a), a copy of this request including the attached Exhibits are being forwarded to the inventor, Hanan Potash, along with his case file.

Withdrawal is also requested in the following related application of the inventor:

Application No. 09/776,084	Group 2183
Application No. 09/776,102	Group 2151
Application No. 09/788,215	Group 2872

The undersigned represents that he has authority to withdraw on behalf of Conley, Rose & Tayon, and each of the attorneys listed in the Power of Attorney filed with the U.S. Patent and Trademark Office and shown as the Attorneys of Record in the above-referenced matter.

Respectfully submitted,


Kevin L. Daffer
Reg. No. 34,146

CONLEY, ROSE & TAYON P.C.
P.O. Box 398
Austin, TX 78767-0398
(512) 476-1400
Date: September 6, 2001

INTELLECTUAL PROPERTY LAW
INCLUDING
PATENTS, TRADEMARKS,
COPYRIGHTS AND
UNFAIR COMPETITION

KEVIN L. DAFFER
(512) 703-1242
kdaffer@intprop.com

CONLEY, ROSE & TAYON
A PROFESSIONAL CORPORATION
FROST BANK PLAZA
816 CONGRESS AVENUE, SUITE 320
AUSTIN, TEXAS 78701-2443
(512) 476-1400
FACSIMILE (512) 703-1250

HOUSTON OFFICE
TEXAS COMMERCE TOWER
600 TRAVIS, SUITE 1850
HOUSTON, TEXAS 77002-2912
(713) 238-8000
FACSIMILE (713) 238-8008

May 19, 2000



Hanan Potash, Ph.D.
Gary B. McMillian, Ph.D.
PhotonRoute Communications, Inc.
10403 Charette Cove
Austin, TX 78758

Re: Engagement of Legal Services and Billing Procedures

Dear Hanan and Gary:

I enjoyed our telephone conversation earlier today, in which we discussed Conley, Rose & Tayon ("the firm") and the business of PhotonRoute Communications, Inc. Pursuant to that discussion, a conflicts check was performed at the firm's Houston and Austin offices, resulting in no apparent overlap with our existing clients. As such, there appear no conflicts that would prevent us from proceeding to the conditions of our engagement. It is to our mutual benefit that our relationships have a sound business foundation and be fully communicated. This letter is intended to achieve that objective.

It is our understanding that this firm will represent PhotonRoute Communications, Inc. for matters pertaining in general to intellectual property. More specifically, this firm will perform services relating to patents, trademarks and copyrights. Initially, we will be called upon to prepare, file and prosecute patents before the U.S. Patent and Trademark Office. Those patents will generally deal with network communication, and more particularly to packet processing, or processor architectures used to expedite communication over various transmission media. To the extent we are authorized, we may also be asked to help in the prosecution of counterpart foreign patent applications, and to provide counseling with respect to invalidity and non-infringement issues.

It is our hope that this letter will make clear our billing practices to you, and to set out the terms of our agreement with respect to the representation by this firm of you in the above matters. Our professional fees (attorney's fees) are usually calculated on the basis of a number of factors. These include:

1. the time and labor required, the novelty and difficulty of the questions involved, and the skill required to perform the legal services properly;

Hanan Potash, Ph.D.
Gary B. McMillian, Ph.D.
May 19, 2000
Page 2

2. the fees customarily charged for similar legal services;
3. the amount and consistency of work requested;
4. the nature and length of our professional relationship; and
5. the experience, reputation and ability of the person(s) performing the services.

Billing rates are subject to change from time to time as conditions warrant. Currently, my billing rate is \$300.00/hour. I will engage the services of other attorneys or agents within the firm who possess appropriate expertise for the task required. As I mentioned to you earlier today, I will oversee the preparation by others within the firm of any and all patent applications filed on your behalf. Other attorneys or agents who will assist me have current billing rates that vary between \$120.00/hour to \$220.00/hour, depending upon the attorney or agent chosen. All inquiries concerning the performance and billing of legal services should be directed to my attention.

It is my understanding that PhotonRoute Communications, Inc. will pay on an hourly basis for work performed. We also require that a retainer be paid in advance of work performed. The retainer amount is \$9,000.00, and is due prior to us receiving work. In addition to our hourly fees, we may incur out-of-pocket expenses on your behalf. The amount and extent of expenses to which PhotonRoute Communications, Inc. is responsible, will be set out in our invoices, and include patent office fees, copying charges, long-distance telephone charges, postage, draftsman fees, etc.

Our invoices are rendered monthly and detail all professional services performed and disbursements incurred during each monthly billing cycle. The invoices will be sent as soon as possible after the services are rendered to provide you with a ready means of monitoring and controlling the fees and expenses that are being incurred. The invoices normally answer most questions clients tend to have. However, if at any time you have any questions about your account, please do not hesitate to call me about it. Any amount owed and unpaid after sixty (60) days will be considered delinquent.

You agree that we may withdraw from representing PhotonRoute Communications, Inc. and terminate our representation of you if there occurs an unpaid balance which exceeds ninety (90) days past due. At that time, you agree to sign any consent forms required by the U.S. Patent and Trademark Office to enable our withdrawal.

You may terminate this employment at any time simply by giving us notice of your desire to do so. Upon notice of termination, we will stop all work for you immediately, and you

Hanan Potash, Ph.D.
Gary B. McMillian, Ph.D.
May 19, 2000
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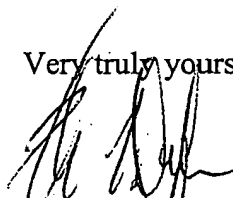
will be responsible for all fees and expenses prior to our stopping work. Upon termination of our employment, you agree to sign any consent forms required by the U.S. Patent and Trademark Office for withdrawal of our representation.

In the event of withdrawal, the firm will take reasonable steps to avoid foreseeable prejudice to you. This includes us providing you due notice, allowing time for employment of other counsel, and delivering to you all papers and property to which you are entitled.

If the above terms are acceptable to you, please sign and date this letter on behalf of PhotonRoute Communications Inc. in the spaces provided. Please keep a copy, and return to original to us.

Many thanks for your cooperation and for giving us the opportunity to be of service.

Very truly yours,




Kevin L. Daffer

I have read, understood, and agreed to the forgoing terms.

By: 
Hanan Potash

Date: 6/15/2000

By: 
Gary B. McMillian

Date: 6/15/2000

KLD:pg

CONLEY, ROSE & TAYON, P.C.
700 Lavaca
Suite 800
Austin, TX 78701-3102
(512) 476-1400



STATEMENT August 6, 2001

PhotonRoute Communications
10403 Charette Cove
Austin, TX 78759
Attn: Hanan Potash, Ph.D.

Our Records Indicate the Following Invoices are Outstanding:

Please note: Invoice numbers for invoices dated in 1998 have changed. Please refer to the invoice date.

5625-00000

General Consultation

Invoice Date	Invoice Number	Invoice Amount	Amount Due
11/01/2000	91199	\$300.00	\$300.00
12/01/2000	92452	\$200.00	\$200.00
TOTAL AMOUNT OUTSTANDING FOR THIS MATTER			\$500.00

5625-00100

**Digital Fiber Optic-Based
Communications System**

Invoice Date	Invoice Number	Invoice Amount	Amount Due
09/01/2000	88735	\$1,515.00	\$1,515.00
10/01/2000	89243	\$400.00	\$400.00
11/01/2000	91199	\$900.00	\$900.00
12/01/2000	92452	\$225.00	\$225.00
03/01/2001	97277	\$578.86	\$578.86
04/01/2001	98095	\$44.75	\$44.75
TOTAL AMOUNT OUTSTANDING FOR THIS MATTER			\$3,663.61

5625-00200

**An Efficient Mechanism for Inter-Thread
Communication within a Multithreaded
Computer System**

Invoice Date	Invoice Number	Invoice Amount	Amount Due
09/01/2000	88735	\$2,575.00	\$2,575.00
11/01/2000	91199	\$800.00	\$800.00

03/01/2001	97277	\$615.25	\$615.25
06/01/2001	99341	\$483.30	\$483.30
TOTAL AMOUNT OUTSTANDING FOR THIS MATTER			\$4,473.55

5625-00300**Non-Blocking Frame Handler for
High-Speed Fiber Optic
Communications**

Invoice Date	Invoice Number	Invoice Amount	Amount Due
09/01/2000	88735	\$4,260.00	\$4,260.00
11/01/2000	91199	\$2,900.00	\$2,900.00
01/01/2001	93524	\$1,900.00	\$1,900.00
02/01/2001	96040	\$2,481.60	\$2,481.60
03/01/2001	97277	\$2,972.00	\$2,972.00
05/01/2001	99287	\$900.00	\$900.00
TOTAL AMOUNT OUTSTANDING FOR THIS MATTER			\$15,413.60

5625-00400**Data Conductor Within
Pre-Existing Structures**

Invoice Date	Invoice Number	Invoice Amount	Amount Due
02/01/2001	96040	\$7,342.00	\$7,342.00
03/01/2001	97277	\$832.43	\$832.43
06/01/2001	99341	\$300.00	\$300.00
TOTAL AMOUNT OUTSTANDING FOR THIS MATTER			\$8,474.43

5625-00500**Method for Installing Optical
Fiber Communications Using
Existing Plumbing Withing a Building**

Invoice Date	Invoice Number	Invoice Amount	Amount Due
02/01/2001	96040	\$700.00	\$700.00
TOTAL AMOUNT OUTSTANDING FOR THIS MATTER			\$700.00

TOTAL AMOUNT NOW DUE**\$33,225.19**

If these invoices have been paid, please disregard this notice. If you have any questions or need copies of invoices, please call Carol Callahan at (512) 703-1263. Thank you!

4. Maintenance Fees: Maintenance fees will become payable when and if this application is granted and a patent issues. If issued, the maintenance fees are due in accordance with the schedule listed above.
5. Counterpart Foreign Applications: If you desire patent protection in other countries, you should apply for a foreign application within 12 months from the filing date of this U.S. application, or **before February 16, 2002**.

5625-00400

This file contains a domestic patent application SN 09/788,215 filed February 16, 2001 entitled "EFFICIENT METHOD AND SYSTEM FOR THE INSTALLATION OF DATA CONDUIT IN PRE-EXISTING STRUCTURES" currently pending in the U.S. Patent & Trademark Office.

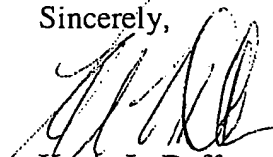
1. Duty of Candor: A duty of candor and good faith toward the Patent Office rests on the inventor and on every other individual who is substantially involved in the preparation or prosecution of a patent application. All such individuals have a duty to disclose to the Patent Office any information which is material to the examination of the application.
2. Examination: We have not yet received an Office Action for this application. We have directed the Patent Office to forward all future correspondence to your home address listed above. You (or future counsel) will need to respond to any Office Actions or your application will become abandoned.
3. Marking: In commercialization of this invention, it is advisable to mark articles and literature to indicate that a patent application is pending. The notation "Patent Pending" or "Patent Applied For" may be used in connection with any product covered by any claim of the application. This notation may also be used in any advertising or business literature. It is usually advisable, however, not to disclose the serial number or filing date of the patent application while it is still pending.
4. Maintenance Fees: Maintenance fees will become payable when and if this application is granted and a patent issues. If issued, the maintenance fees are due in accordance with the schedule listed above.
5. Counterpart Foreign Applications: If you desire patent protection in other countries, you should apply for a foreign application within 12 months from the filing date of this U.S. application, or **before February 16, 2002**.

Mr. Hanan Potash
August 16, 2001
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We will transfer all files to you, or to any law firm you have engaged to undertake this work. Unless you instruct us otherwise by September 1, 2001, we will forward the files to your home address listed above. Furthermore, we will notify the U.S. Patent Office to forward all future correspondence to you.

By this letter, we have attempted to disclose all relevant aspects and deadlines for the above matters in a short and concise manner. Please note that our withdrawal as counsel does not relieve you of your obligation to pay the outstanding balance of \$33,225.19. Please sign in the space provided below to indicate your approval of our withdrawal as counsel for PhotonRoute Communications. Please return a copy of the signed letter to my attention by September 1, 2001.

Sincerely,



Kevin L. Daffer

My signature below indicates my approval of the withdrawal of Conley, Rose & Tayon P.C. as counsel for PhotonRoute Communications.

Hanan Potash

INTELLECTUAL PROPERTY LAW
INCLUDING
PATENTS, TRADEMARKS,
COPYRIGHTS AND
UNFAIR COMPETITION

CONLEY, ROSE & TAYON

A PROFESSIONAL CORPORATION
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HOUSTON, TEXAS 77002-2912
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FACSIMILE (713) 238-8008

KEVIN L. DAFFER
(512) 703-1242
kdaffer@intprop.com



File: 5625-00000

August 16, 2001

Mr. Hanan Potash
PhotonRoute Communications
10403 Charette Cove
Austin, TX 78759

Via CMRRR and First-Class Mail

Re: Withdrawal as Counsel

Dear Hanan:

This letter will serve as formal notice that Conley, Rose & Tayon, LLP will no longer be representing you on patent prosecution matters for any pending foreign or domestic applications currently handled by our office.

We are aware that you are experiencing financial difficulties; however, you are aware that we have not been compensated for the patent prosecution services we have performed for you in the amount of \$33,225.19. We have received no payment whatsoever from you since receiving the original retainer in June 2000. Without payment, we can no longer serve as counsel on your behalf.

Following is a current status report on the active matters we were handling on your behalf:

5625-00100

This file contains a domestic patent application SN 09/776,084 filed February 1, 2001 entitled "PROGRAMMED LOAD PRECESSION MACHINE" currently pending in the U.S. Patent & Trademark Office.

1. Duty of Candor: A duty of candor and good faith toward the Patent Office rests on the inventor and on every other individual who is substantially involved in the preparation or prosecution of a patent application. All such individuals have a duty to disclose to the Patent Office any information which is material to the examination of the application.

2. Examination: We have not yet received an Office Action for this application. We have directed the Patent Office to forward all future correspondence to your home address listed above. You (or future counsel) will need to respond to any Office Actions or your application will become abandoned.
3. Marking: In commercialization of this invention, it is advisable to mark articles and literature to indicate that a patent application is pending. The notation "Patent Pending" or "Patent Applied For" may be used in connection with any product covered by any claim of the application. This notation may also be used in any advertising or business literature. It is usually advisable, however, not to disclose the serial number or filing date of the patent application while it is still pending.
4. Maintenance Fees: Maintenance fees will become payable when and if this application is granted and a patent issues. If issued, the maintenance fees are due as follows:
 - a. The 1st maintenance fee is due 3-1/2 years from the patent issue date.
 - b. The 2nd maintenance fee is due 7-1/2 years from the patent issue date.
 - c. The 3rd maintenance fee is due 11-1/2 years from the patent issue date.

For an additional fee, there is a six-month grace period beyond each of the three periods in which the maintenance fee for the period can be paid.

 - d. Small Entity Status: It will be necessary to confirm small entity status when paying fees to the U.S. Patent Office, including each maintenance fee.
5. Counterpart Foreign Applications: If you desire patent protection in other countries, you should apply for a foreign application within 12 months from the filing date of this U.S. application, or **before February 1, 2002**.

5625-00200

This file contains a domestic patent application SN 09/776,102 filed February 1, 2001 entitled "EFFICIENT MECHANISM FOR INTER-THREAD COMMUNICATION WITHIN A MULTI-THREADED COMPUTER SYSTEM" currently pending in the U.S. Patent & Trademark Office.

1. Duty of Candor: A duty of candor and good faith toward the Patent Office rests on the inventor and on every other individual who is substantially involved in the preparation or prosecution of a patent application. All such individuals have a duty to disclose to the Patent Office any information which is material to the examination of the application.

2. Examination: We have not yet received an Office Action for this application. We have directed the Patent Office to forward all future correspondence to your home address listed above. You (or future counsel) will need to respond to any Office Actions or your application will become abandoned.
3. Marking: In commercialization of this invention, it is advisable to mark articles and literature to indicate that a patent application is pending. The notation "Patent Pending" or "Patent Applied For" may be used in connection with any product covered by any claim of the application. This notation may also be used in any advertising or business literature. It is usually advisable, however, not to disclose the serial number or filing date of the patent application while it is still pending.
4. Maintenance Fees: Maintenance fees will become payable when and if this application is granted and a patent issues. If issued, the maintenance fees are due in accordance with the schedule listed above.
5. Counterpart Foreign Applications: If you desire patent protection in other countries, you should apply for a foreign application within 12 months from the filing date of this U.S. application, or **before February 1, 2002**.

5625-00300

This file contains a domestic patent application SN 09/788,216 filed February 16, 2001 entitled "FRAME HANDLER FOR HIGH-SPEED FIBER OPTIC COMMUNICATION INTERFACE" currently pending in the U.S. Patent & Trademark Office.

1. Duty of Candor: A duty of candor and good faith toward the Patent Office rests on the inventor and on every other individual who is substantially involved in the preparation or prosecution of a patent application. All such individuals have a duty to disclose to the Patent Office any information which is material to the examination of the application.
2. Examination: We have not yet received an Office Action for this application. We have directed the Patent Office to forward all future correspondence to your home address listed above. You (or future counsel) will need to respond to any Office Actions or your application will become abandoned.
3. Marking: In commercialization of this invention, it is advisable to mark articles and literature to indicate that a patent application is pending. The notation "Patent Pending" or "Patent Applied For" may be used in connection with any product covered by any claim of the application. This notation may also be used in any advertising or business literature. It is usually advisable, however, not to disclose the serial number or filing date of the patent application while it is still pending.